

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2015 DEC 29 PM 2:47

DEPUTY CLERK

UNITED STATES OF AMERICA

No. 3:15-CR-0479-L

v.

PHANUEL MAKONI (1)

FACTUAL RĚSUMĚ

Phanuel Makoni, defendant, Jeffrey C. Grass, the defendant's attorney, and the
United States of America (the government), agree as follows:

Elements

Wire Fraud
(Violation of 18 U.S.C. § 1343)

First: That the defendant knowingly devised or intended to devise any
scheme to defraud, that is, the scheme set forth in the superseding
information;

Second: That the scheme to defraud employed false material
representations, pretenses, or promises;

Third: That the defendant caused to be transmitted by way of wire
communications, in interstate commerce, any writing, sign, signal, picture or
sound for the purpose of executing such scheme; and

Fourth: That the defendant acted with a specific intent to defraud.

Stipulated Facts

From on or about January 20, 2015 to at least on or about March 4, 2015, defendant
Phanuel Makoni and others devised a scheme and artifice to defraud the Internal Revenue
Service of the Department of Treasury and to obtain money by means of false and

fraudulent pretenses, representations and promises. At least 77 fraudulent tax returns for tax year 2014 were transmitted electronically to the IRS via Drake software utilizing Electronic Filer Identification Numbers (EFINs) 752002 and 913266. All of said returns were bogus and used stolen personal identification information of United States taxpayers, including names, addresses and Social Security numbers. Using the stolen taxpayer personal identification information, Makoni caused to be electronically filed with the IRS bogus 2014 individual tax returns, falsely claiming tax refunds. Makoni caused bank accounts and debit card accounts to be set up to receive the fraudulently returned tax refunds.

Time Warner Cable internet was used to transmit the tax returns electronically, and IP address 76.184.228.82 was the source of each electronically filed return. Records from Time Warner Cable show the subscriber of IP address 76.184.228.82 is Makoni, who resided at 530 Buckingham Rd #937, Richardson, TX 75081. This address is within the Northern District of Texas. Records from the apartment complex confirmed the tenant on the lease of this apartment is Makoni.

On September 23, 2015, a federal search warrant conducted on the apartment at 530 Buckingham Rd #937, Richardson, TX 75081 yielded, among other things, electronic evidence from a laptop computer. In addition to other personal identity information (PII), the laptop contained a file of Drake software for EFINs 752002 and 913266. All 77 fraudulent returns filed with the IRS utilizing EFINs 752002 and 913266 from IP address 76.184.228.82 were found on the laptop seized from Makoni's apartment. On September 23, 2015, Makoni, post *Miranda* warnings, admitted to IRS Criminal Investigation Special

Agents that he participated in a scheme to defraud the United States via the submission of fraudulent tax returns to the IRS, and he admitted to assisting other co-conspirators in the setting up of bank accounts in order to obtain the refunds associated with the fraudulently filed tax returns.

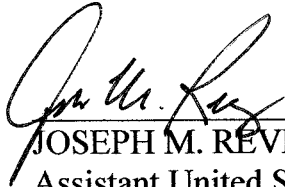
Makoni stipulates to and understands that the government could readily prove beyond a reasonable doubt the following information: Drake servers are located in North Carolina. All electronic tax returns submitted via Drake software are routed through its servers in North Carolina prior to their transmission to the IRS. Additionally, all electronic tax returns are processed via one of two transmission processing centers for the IRS located in either Memphis, TN or Martinsburg, WV. Which IRS processing center handles what returns is dependent on the location (state) of the transmitting preparer and/or the transmitting software's server location (state). The IRS transmission processing center in Martinsburg, WV processes the electronic tax returns coming from North Carolina and Texas.

On February 24, 2015, Makoni, using Drake software, for the purpose of executing the foregoing scheme, caused to be electronically filed from his laptop in Richardson, Northern District of Texas, in interstate commerce from Texas to North Carolina, signals and sounds comprising an electronically filed bogus income tax return form 1040, in the name of taxpayer "C.G.", requesting a refund of 4547.00.

The intended loss associated with the 77 fraudulently filed tax returns is \$420,283.

AGREED TO AND SIGNED this 29th day of December, 2015.

JOHN R. PARKER
UNITED STATES ATTORNEY

A handwritten signature in cursive script, appearing to read "Joe M. Revesz", is written over a horizontal line.

JOSEPH M. REVESZ
Assistant United States Attorney
Texas State Bar No. 16792700
1100 Commerce Street, Room 300
Dallas, Texas 75242-1699
Telephone: 214-659-8664
Facsimile: 214-659-8812
Email: joe.revesz @usdoj.gov